

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 6, 1950
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Glass presiding:

Roll Call:

Present: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Absent: None

Present also: Walter E. Seaholm, City Manager; Trueman E. O'Quinn, City Attorney; C. G. Levander, Director of Public Works; R. D. Thorp, Chief of Police.

Councilman Johnson moved that since copies of the minutes of the last meeting of the City Council have been furnished Council members by the City Clerk the reading of the minutes be dispensed with and that the minutes be adopted as read in the Clerk's report. Upon being duly seconded by Councilman Long, the motion was unanimously adopted by the Council and the minutes so approved.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in EAST 41st STREET, from a point east of Red River Street easterly 298 feet, the centerline of which gas main shall be 3 feet south of and parallel to the north property line of said EAST 41st STREET.

Said gas main described above shall have a cover of not

less than $2\frac{1}{2}$ feet.

(2) A gas main in QUARRY ROAD, from a point 255 feet west of Kent Lane westerly 86 feet, the centerline of which gas main shall be 6 feet south of and parallel to the north property line of said QUARRY ROAD.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(3) A gas main in CHALMERS AVENUE, from Canterbury Street northerly 112 feet, the centerline of which gas main shall be $13\frac{1}{2}$ feet west of and parallel to the east property line of said CHALMERS AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(4) A gas main in WINSTED LANE, from West 10th Street northerly 150 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said WINSTED LANE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(5) A gas main in BRYAN STREET, from a point 240 feet east of Swenson Avenue easterly 56 feet, the centerline of which gas main shall be 7 feet north of and parallel to the south property line of said BRYAN STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(6) A gas main in VILLAGE DRIVE, from a point 135 feet north of Perry Lane north and west 570 feet, the centerline of which gas main shall be 6 feet south of and parallel to the north property line of said VILLAGE DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(7) A gas main in WEST PARK DRIVE, from Village Drive to Hancock Drive, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said WEST PARK DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or

working points from which to base the location of their assignments they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

Which motion, duly seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as a "Resubdivision of a portion of Block I, Highland Park West", approved by the City Plan Commission of the City of Austin on January 12, 1950, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

Which motion, duly seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The Council received a report from the City Manager that the following applications for change of zoning had been referred to the Zoning Board of Adjustment in behalf of the City Council:

MRS. ANNIE SCHIEFFER ESTATE By Tom E. Johnson	1154-56 Lydia St.	From "A" Residence To "C-1" Commercial
JENNIE M. HAILE, KATTIE GANNAWAY, and MRS. R. G. WEST	501-511 West 7th 605-07 Nueces	From "B" Residence To "C" Commercial
BEN H. POWELL, By John T. Buckley, Atty.	1021 E. 11th	From "C" Commercial To "C-1" Commercial

Councilman Johnson introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTIONS 22(f) AND 26(a) OF ARTICLE IV, RELATING RESPECTIVELY TO TWO-HOUR PARKING AND ANGLE PARKING LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time, and Councilman Johnson moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was read the second time, and Councilman Johnson moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was read the third time, and Councilman Johnson moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The City Manager presented the request of TANNER-EVANS and COTT, INC., to place waiting benches at bus stops. He stated this was provided under the pres-

ordinance; but because TANNER-EVANS had indicated some changes, he wanted the Council to study it, in case it might be their feeling to repeal the ordinance. The Mayor stated when this came before the Council previously, some citizens placed about 200 benches without the advertising on them. Benches with advertising would not look good, and the revenue would not amount to much. Councilman MacCorkle wanted to study the present ordinance, and the City Manager stated he would supply the Council with copies. Councilman Johnson moved that the City Manager hold up the granting of this permit for another week until a review of the ordinance could be made. The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

MR. McLaughlin Lamar PETERSON appeared before the Council appealing the administrative decision on his application to drive a taxi-cab. Councilman MacCorkle moved that he be granted a probational permit through September 30, 1950, with the condition that he report to the Chief of Police every Saturday. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

MR. GEORGE W. TOD, representing a group of citizens in the 1200 block of Baylor, came before the Council protesting the permit issued June 29, 1950, for the BUBBLES WELSH SCHOOL OF THE DANCE. It was brought out there were deed restrictions on the property, and the group could take the matter through the Courts. MR. C. H. WELSH stated he obtained the permit by making application as was provided by ordinance, and his property was in the correct zone for such school. The Council advised the group that this was permitted under the present ordinance. The Council also asked again that some standards be set up for these classifications, and that the City Manager look into the matter and have an ordinance prepared that would clarify this zoning. The City Attorney suggested that the Planning Board and Zoning Board might make some recommendations as to what standards should be fixed on this.

COUNCILMAN LONG asked that the Council bring up for discussion the prevailing wage matter case which the City Attorney is preparing a brief, and she inquired if this were a matter of policy for the Council or for the City Attorney; that it had not been before the Council. The City Attorney explained his position in the case and stated if the Council wanted the name of the City of Austin withdrawn, it could be, but the brief would be filed in the interest of the League of Municipalities and City Attorneys' Association. After a lengthy discussion and after the City Attorney explained that the brief would take the position that the Courts under the statute have no right to review this matter; that the statute provides that the Council or governing body shall determine what the prevailing wage scale is, and the statute provides that their determination shall be final, Councilman MacCorkle moved that the City Manager instruct the City Attorney to proceed with his brief. The motion, seconded by Councilman

Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, MacCorkle, Mayor Glass

Noes: Councilman Long, with the City Attorney's explanation of the brief as it will be filed.

The City Manager submitted the following memorandum:

"We have made an investigation of the military leave policy of other organizations and agencies in the City of Austin. By the terms of the state law passed in 1949, state agencies are now required to allow reservists leave of absence, in addition to vacations, to attend summer camps and related defense activities. The agencies are required to pay the employee the difference in his military pay and his State pay if his military pay is less for a period not exceeding fifteen days while he is on military duty.

"The agencies contacted were the State Welfare, the University of Texas, State Highway Department, and the Department of Public Safety.

"An optional plan was likewise permitted allowing employees to combine their vacation and military leave if they so wish; however, if the employee should desire to take his military leave other than vacation time, he would not be penalized.

"We have at present sixty-six (66) employees who are connected with the Armed Services Reserves. Should all of these employees avail themselves of the difference in pay on a leave of absence, the cost to the City could not exceed \$1,500.50. However, it is estimated that only about one-half of the men would make camp this year and that the probable maximum cost to the City would be less than \$1,000.00.

"I would recommend that military leave difference in pay be allowed, with the option of taking their military leave on vacation.

WALTER E. SEAHOLM"
City Manager

The Mayor then introduced the following ordinance:

AN ORDINANCE PROVIDING FOR LEAVES OF ABSENCE WITHOUT LOSS OF TIME OR EFFICIENCY RATING FOR ALL OFFICERS AND EMPLOYEES OF THE CITY OF AUSTIN WHO ARE MEMBERS OF THE NATIONAL GUARD OR OFFICIAL MILITIA OF THE STATE OF TEXAS, OR MEMBERS OF ANY OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES; PROVIDING FOR METHOD OF PAYMENT OF OFFICERS AND EMPLOYEES OF THE CITY OF AUSTIN ON ALL DAYS ON WHICH THEY ARE ORDERED BY PROPER AUTHORITY TO DUTY WITH TROOPS OR FIELD EXERCISES, OR FOR INSTRUCTION, FOR NOT TO EXCEED FIFTEEN (15) DAYS IN ANY ONE CALENDAR YEAR; PROVIDING FOR RESTORATION TO THE POSITION HELD BY ANY OFFICER OR EMPLOYEE WITH THE CITY OF AUSTIN WHEN RELIEVED FROM DUTY WITH THE ARMED FORCES; AND DECLARING AN EMERGENCY.

The ordinance was read the first time, and Councilman Johnson moved that the rule be suspended, and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was read the second time, and Councilman Johnson moved that the rule be suspended, and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was read the third time, and Councilman Johnson moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The Mayor then announced the ordinance had been finally passed.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Walter Seaholm, City Manager, be and he is hereby authorized and directed to execute a warranty deed to John C. Aycock and his wife, Dorothy Wills Aycock, conveying to the said Aycock and wife all of Block 61 in the Original City of Austin for the consideration heretofore agreed upon by the parties.

The motion, seconded by Councilman MacCorkle, carried by the following vote:
Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The City Manager stated that the ordinance prepared, vacating an alley in the above block No. 61, did not provide for the utility easement, and he felt the easement should be retained, as it was necessary to have an underground conduit there; so the ordinance would have to be redrawn providing this.

The City Manager reported on a meeting with the Highway Commission regarding the Interregional Highway. The Commission took the matter under review; and another meeting will be held with the Highway Engineers.

Councilman Long moved that a letter of condolence be written to MRS. BESS BEEMAN, a long time City employee, offering their sympathy for the recent death of her daughter. The motion, seconded by Councilman Johnson, carried by the

following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

COUNCILMAN MacCORKLE brought before the Council the fact that the jail is inadequate, and asked that the City Manager look into the possibility of using jail space in the County Court House--to see if some kind of agreement could be worked out until this jail could be expanded. He stated he would like to see the new building started as soon as possible.

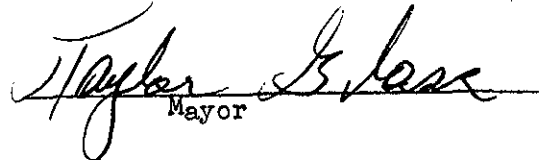
Mayor Glass stated he would like to get the new building on the City Hall started and completed as soon as possible, as it would make for more efficiency and more economy.

The City Manager reported that the BROWN & ROOT contract at the Power Plant was completed, approved and accepted. The job was finished in 110 days, whereas they had 220 days for both boilers. He stated they did a splendid job and expedited the time, and there should be no difficulty in the whole job going ahead now.

Mention of the airport zoning was made. MR. SEAHOLM stated a Zoning Committee from the County and City would have to be appointed, and it would be necessary to get with the C.A.A. and get their approval of the plans.

There being no further business, the Council recessed subject to the call of the Mayor.

APPROVED:


Mayor

ATTEST:


City Clerk